

Charles H Krumbein, Esq
Krumbein & Associates, PLLC
1650 Willow Lawn Drive
Richmond, Va 23230
804 673 4358

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In Robert Eugene Nicholls
Ann McGalliard Nicholls
Debtors

Case: 09-37219
DOT now KLP

**MOTION TO AVOID
JUDICIAL LIEN HELD BY DISCOVER BANK (CREDIT CARD)**

Comes now the debtor's Robert Eugene Nicholls and Ann McGalliard Nicholls by their counsel herein and move this Court for an order avoiding the judicial lien against the debtors' residence in Chesterfield County Virginia. The judicial lien is the result of a Chesterfield County General District Court judgment dated March 23, 2004, and for their cause the debtors argue:

1. This case was commenced by the filing of a voluntary petition on November 2, 2009 under chapter 13 of title 11 United States Code.
2. This motion is filed under 11 U.S.C. Section 522(f), to avoid a judicial lien.
3. The records of the Chesterfield General District Court indicate that a judgment and a resulting judicial lien was entered in the records of the Chesterfield General District Court on March 23, 2004.
4. Debtor's counsel can find no record of the General District Court judgment having been filed in the records of the Chesterfield Circuit Court. Further Counsel can find no record of a renewal of the General District Court Judgment.

5. As of November 2, 2009 this lien, to the extend this debt is a lien, impaired the debtors' exemption in the debtors' residence.
6. The schedules listed the value on the date of filing as \$ \$230,000.
7. The existence of the judicial lien, to the extent this is a lien, impairs available exemptions to which the debtors' would be entitled under 11 U.S.C. 522(b).

Wherefore, Debtor prays for an order from this Court avoiding the judicial lien against the debtors' residence in Chesterfield County Virginia and for such other relief as the Court deems proper.

I ask for this:
/S/ Charles H Krumbein
Charles H Krumbein, Esq.
1650 Willow Lawn Drive
Richmond, VA 23230
Virginia State Bar No. 01234
Phone: 804 6734358
Fax 804 234 1159

Certificate OF Service

The undersigned hereby certifies that a true copy for this motion was sent by CM/ECf to Discover Bank and further that a copy was mailed to the parties at the addresses listed below.

/S/ Charles H Krumbein
Charles H Krumbein, Esq.

Charles H Krumbein, Esq
Krumbein & Associates, PLLC
1650 Willow Lawn Drive
Richmond, Va 23230
804 673 4358

Discover Bank
c/o DB Servicing Corporation
PO Box 3025
New Albany OH 43054-3025

Discover Financial
DB Servicing Corp
PO Box 3025
New Albany OH 43054-3025

DISCOVER BANK
CEO David W. Nelms
502 EAST MARKET STREET
GREENWOOD, DE, UNITED STATES 19950
SERVE CMRRR

DISCOVER CARD BANK OF NEW CASTLE
This institution has been renamed (see Institution History). The current information is:
BANK OF NEW CASTLE
CEO James J. Roszkowski
12 READ'S WAY
NEW CASTLE, DE, UNITED STATES 19720
SERVE CMRRR

Charles H Krumbein, Esq
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**NOTICE OF MOTION
Notice of Hearing**

Charles H Krumbein, Esq. attorney for the Debtor's herein has filed papers with the court to Avoid the Judicial Lien of Discover Bank. **Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to grant the relief sought in the motion or if you want the court to consider your views on the motion (or objection), then on or before April 7, 2015 you or your attorney must:

File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street
Richmond, Va 23219

You must also mail a copy to:

Charles H Krumbein, Esq

1650 Willow Lawn Drive,
Richmond Va 23230

IF you or your attorney do not properly and timely mail an objection and request for a Hearing the Court may grant the relief granted without a hearing on or after April 15, 2015.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: March 13, 2015

/S/ Charles H Krumbein
Charles H Krumbein, Esq.
1650 Willow Lawn Drive
Richmond, VA 23230
Virginia State Bar No. 01234

Certificate of Service

I hereby certify that I have this 23 day of January, 2015, mailed to and served upon all other interested parties by CM/ECF or US Mail a true copy of the foregoing Notice of Motion the parties at the address listed below:

/S/ Charles H Krumbein
Charles H Krumbein, Esq.

Charles H Krumbein, Esq
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